

Message Text

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12

ACTION PM-03

INFO OCT-01 EA-10 ISO-00 DODE-00 MC-02 CIAE-00 INR-07

NSAE-00 NSC-05 SP-02 SS-15 TRSE-00 OMB-01 AID-05

IGA-01 COME-00 EB-07 SSO-00 NSCE-00 INRE-00 L-03 /062 W

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O 270858Z JUN 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC IMMEDIATE 4921

INFO CINCPAC

UNCLAS MANILA 8869

DEPT PASS DOD FOR ISA

E.O. 11652: NA

TAGS: MASS, RP, US

SUBJ: FMS CREDIT FOR PURCHASE OF C-130H AIRCRAFT/M-16 PLANT

REF: MANILA 8729

1. THE ORIGINAL, SIGNED TEXT OF FOLLOWING LEGAL OPINION OF
THE PHILIPPINE SECRETARY OF JUSTICE HAS BEEN DELIVERED TO
THE EMBASSY FOR TRANSMITTAL TO DEPARTMENT:

QUOTE

LEGAL OPINION

THIS LEGAL OPINION IS RENDERED IN SATISFACTION OF
THE REQUIREMENTS OF THE LOAN AGREEMENT BETWEEN THE GOV-
VERNMENT OF THE REPUBLIC OF THE PHILIPPINES (HEREINAFTER
REFERRED TO AS THE "GOVERNMENT") AND THE UNITED STATES
FEDERAL FINANCING BANK (HEREINAFTER REFERRED TO AS THE
"FFB"), DATED JUNE 27, 1975, AND THE PROMISSORY NOTE
ISSUED BY THE GOVERNMENT DATED JUNE 27, 1975, GUARANTEED
BY THE DEFENSE SECURITY ASSISTANCE AGENCY OF THE UNITED
STATES DEPARTMENT OF DEFENSE (HEREINAFTER REFERRED TO AS
"DSAA"), DATED JUNE 27, 1975, AND PROVIDING FOR ADVANCES
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IN THE AGGREGATE AMOUNT OF TEN MILLION UNITED STATES

DOLLARS (\$10,000,000.00).

I, THE UNDERSIGNED VICENTE ABAD SANTOS, SECRETARY OF JUSTICE OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES, DO HEREBY CERTIFY AS FOLLOWS:

1. THE GOVERNMENT HAS FULL POWER, AUTHORITY AND LEGAL RIGHT TO INCUR THE INDEBTEDNESS CONTEMPLATED IN THE ABOVE-DESCRIBED LOAN AGREEMENT ON THE TERMS AND CONDITIONS CONTAINED THEREIN, AND TO EXECUTE, DELIVER AND PERFORM THE SAID LOAN AGREEMENT AND THE PROMISSORY NOTE THEREUNDER.

2. THE EXECUTION, DELIVERY AND PERFORMANCE OF THE SAID LOAN AGREEMENT AND PROMISSORY NOTE WILL NOT VIOLATE ANY PROVISION OF, AND HAVE BEEN DULY AND VALIDLY AUTHORIZED UNDER, THE LAWS OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES, AND ALL ACTIONS NECESSARY TO AUTHORIZE THE BORROWINGS THEREUNDER AND THE EXECUTION, DELIVERY AND PERFORMANCE OF THE SAID LOAN AGREEMENT AND THE PROMISSORY NOTE HAVE BEEN DULY TAKEN.

3. THE SAID LOAN AGREEMENT AND THE PROMISSORY NOTE ISSUED THEREUNDER HAVE BEEN DULY EXECUTED AND DELIVERED BY THE PERSON THEREUNTO DULY AUTHORIZED, AND THE SAID LOAN AGREEMENT AND THE PROMISSORY NOTE CONSTITUTE THE VALID, LEGALLY BINDING, DIRECT AND UNCODNTIONAL, GENERAL OBLIGATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES, ENFORCEABLE IN ACCORDANCE WITH THEIR RESPECTIVE TERMS.

4. AMBASSADOR EDUARDO Z. ROMUALDEZ, PHILIPPINE AMBASSADOR TO THE UNITED STATES OF AMERICA, IS DULY AUTHORIZED TO EXECUTE AND DELIVER THE SAID LOAN AGREEMENT, THE PROMISSORY NOTE, AND SUCH OTHER DOCUMENTS AS MAY BE REQUIRED UNDER THE SAID LOAN AGREEMENT, AND, AS MAY BE APPROPRIATE, (A) TO SPECIFY THAT THE FUNDS ADVANCED UNDER THE SAID LOAN AGREEMENT AND PROMISSORY NOTE ARE TO BE TRANSFERRED BY THE FFB TO THE RESPECTIVE ACCOUNTS OF THE UNITED STATES DEPARTMENT OF ARMY, NAVY OR AIR FORCE, OR UNCLASSIFIED

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TO THE ACCOUNT OF COMMERCIAL SUPPLIERS WITHIN THE UNITED STATES AS APPROVED IN WRITING BY THE DSAA, AND/OR (B) TO ESTABLISH AND DRAW UPON AN ACCOUNT OF THE GOVERNMENT AT A BANK IN THE UNITED STATES TO WHICH ACCOUNT THE FFB SHALL DISBURSE THE PROCEEDS OF ADVANCES HEREUNDER, AND TO CERTIFY TO SUCH BANK ON BEHALF OF THE GOVERNMENT THE IDENTITY AND NAMES AND TITLES OF ANY OTHER OR ADDITIONAL OFFICIALS OF THE GOVERNMENT WHO THEREAFTER MAY BE SO

AUTHORIZED.

5. NO TAX OR DUTY, OF WHATSOEVER NATURE, IMPOSED OR LEVIED BY THE GOVERNMENT OR ANY TAXING AUTHORITY THEREIN OR THEREOF IS PAYABLE ON ACCOUNT OF THE CREATION, ISSUE OR TRANSFER OF SUCH LOAN AGREEMENT OR NOTE OR IS PAYABLE ON ACCOUNT OF, OR IS REQUIRED TO BE WITHHELD FROM, THE PAYMENT OF INTEREST OR PRINCIPAL IN RESPECT OF THE LOAN AGREEMENT OR NOTE, PROVIDED THAT IF THE FFB SHOULD ASSIGN THE LOAN AGREEMENT OR NOTE THE ASSIGNEE OR ITS ASSIGNS (EITHER AS HOLDER OF RECORD OR AS BENEFICIAL OWNER) IS NOT EITHER A RESIDENT OR NATIONAL OF THE GOVERNMENT OR A CORPORATION, PARTNERSHIP OR OTHER JURIDICAL ENTITY ORGANIZED UNDER ITS LAWS.

6. THIS OPINION EXTENDS TO ALL PROVISIONS OF THE LOAN AGREEMENT AND NOTE.

7. ANY ASSIGNEE OF THE LOAN AGREEMENT OR NOTE MAY RELY ON THIS OPINION.

JUNE 28, 1975.

VICENTE ABAD SANTOS
SECRETARY OF JUSTICE
GOVERNMENT OF THE REPUBLIC OF
THE PHILIPPINES

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2. ORIGINAL BEING POUCHED EA/PHL.
PURNELL

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Copy: SINGLE
Draft Date: 27 JUN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
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Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Executive Order: N/A
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Legacy Key: link1975/newtext/t19750610/aaaaaiir.tel
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Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Previous Handling Restrictions: n/a
Reference: 75 MANILA 8729
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Review Authority: hartledg
Review Comment: n/a
Review Content Flags:
Review Date: 05 MAR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05 MAR 2003 by PhilliR0>; APPROVED <18 MAR 2004 by hartledg>
Review Markings:

Margaret P. Grafeld
Declassified/Released
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EO Systematic Review
06 JUL 2006

Review Media Identifier:
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Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FMS CREDIT FOR PURCHASE OF C-130H AIRCRAFT/M-16 PLANT
TAGS: MASS, RP, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006